

## Title VII EEO Complaint Procedures

The EEO Complaint Process is available to Defense Media Activity (DMA) employees or applicants who believe they have been discriminated against by DMA on the basis of race, color, religion, national origin, sex (including sexual harassment), age (40 and up), disability (physical or mental), retaliation for prior EEO protected activity, parental status, sexual orientation, and/or genetic information.

<b>Pre-complaint Process - Filing</b>	Complainant (a DMA) employee or job applicant) must contact the Office of Diversity and Equal Opportunity (ODEO) within 45 calendar days of an alleged discriminatory action, or in the case of a personnel action, within 45 calendar days of the effective date of action. The ODEO may be contacted by calling (703) 428-0604, or by email: DMA
<b>Counseling</b>	<p>An EEO Counselor will begin fact-finding and attempt to resolve the matter informally within 30 calendar days from the date of the initial contact with Complainant. Counseling may be extended upon agreement of both the ODEO and Complainant up to 60 additional days if more time is needed to achieve a resolution.</p> <p>The Complainant may elect, at the time of the initial contact, a process which attempts resolution through mediation. In this process, the 30-day period may also be extended up to an additional 60 calendar days.</p>
<b>Formal Complaint Process - Filing</b>	If a resolution is not achieved during EEO counseling, Complainant may file a written formal complaint with the Director, ODEO, within 15 calendar days of receiving the "Notice of Right to File a Discrimination Complaint."
<b>Acceptance/Dismissal</b>	<p>If the complaint is accepted by the ODEO, an investigator will be assigned to collect relevant information pertaining to the complaint.</p> <p>If the complaint or portions are dismissed, Complainant will be provided, in writing, the reason(s) for dismissal and informed of his/her right to appeal the decision.</p>
<b>Investigation</b>	<p>The ODEO is required to complete an investigation within 180 calendar days of receipt of the formal complaint, with a possible extension for 90 additional calendar days, upon mutual agreement by the ODEO and Complainant.</p> <p>After the investigation, within 30 calendar days of receipt of the Investigative Report, Complainant may request: DMA's final agency action* or a hearing by the EEOC.</p> <p>If the investigation is not completed after 180 calendar days has elapsed from the filing of the complaint, Complainant may also request a hearing from the EEOC or file a civil action in U.S. District Court.</p> <p>*Mediation/Alternative Dispute Resolution may be requested at any time during the formal complaint process.</p>
<b>EEOC Hearing</b>	Complainant may request a hearing by an EEOC Administrative Judge (AJ) within 30 calendar days of receipt of the Investigative Report. The AJ may conduct a hearing and submit his/her decision within 180 calendar days of the request. If DMA does not appeal the AJ's decision, or issue a final agency action, the AJ's decision becomes the final decision of the Activity 40 calendar days after it is received.

<b>DOL's Final Decision</b>	If Complainant requests a final agency decision, the Director, ODEO, will issue a decision based on information in the investigative file within <i>60 calendar days</i> . The Director will also issue a decision where neither a final decision nor a hearing has been requested.
<b>Appeals</b>	If Complainant is dissatisfied with the final agency action issued by DMA, s/he may appeal to the EEOC's Office of Federal Operations (OFO) within <i>30 calendar days</i> of receipt of the final agency action.
<b>Right To File Civil Action</b>	<p>If Complainant does not file an appeal with the OFO, s/he may file a civil action in an appropriate United States District Court within <i>90 calendar days</i> of receipt of the final agency action.</p> <p>If Complainant files an appeal and is then dissatisfied with the OFO's decision, s/he may request reconsideration within <i>20 calendar days</i> of receipt of the OFO's decision; or may file a civil action in a U.S. District Court within <i>90 calendar days</i> of receipt of the OFO's decision on appeal. A civil action may also be filed if the OFO does not issue a decision within 180 calendar days from the date that the appeal was filed.</p> <p>A Complainant who raises a claim under the Age Discrimination in Employment Act may bypass the administrative process by filing a notice of intent to sue with the EEOC at least <i>30 calendar days</i> before filing a civil action in court.</p>
<b>EEO vs Union Process</b>	Any employee covered under a bargaining unit <b>may</b> file allegations of discrimination under the negotiated grievance procedures of their respective union. Employee must choose whether the allegations of discrimination will be processed under the negotiated grievance procedure or under the EEO complaint procedure. Election will be determined by whichever event comes first, the date of the grievance or the date of the formal complaint. <b>Employees</b> who file formal EEO complaints on the same issues as those raised in a grievance will effectively terminate the grievance. In the event that the DMA dismisses that EEO complaint for reasons other than on merit, the covered employee has <i>30 calendar days</i> from receipt of the dismissal to resurrect the grievance.
<b>Class Complaints</b>	<p>Class complaints are initiated by contacting the National Coordinator of Counselors in the CRC, who will assign the complaint to the appropriate agency EEO Manager for counseling.</p> <p>In the regions, class complaints are initiated by contacting the Civil Rights Officer, who will also conduct counseling.</p>
<b>Information</b>	Additional information pertaining to the EEO complaint process may be obtained by contacting 703-428-1106